



# राजपत्र, हिमाचल प्रदेश

## (अमाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

(: वृत्ता, बुधवार, १४ मार्च, १९७१/२४ चैत्र, १९९३)

### GOVERNMENT OF HIMACHAL PRADESH ELECTION DEPARTMENT NOTIFICATIONS

*Simla-2, the 26th March, 1971*

No. 4-7/70-Elec.—Consequent upon the transfer of Shri D. B. Lal, Judicial Secretary-cum-Legal Remembrancer, Himachal Pradesh, a Judge, High Court of Himachal Pradesh, the Governor, Himachal Pradesh in exercise of the powers vested in him vide rule 2(4) of the Himachal Pradesh Gram Panchayat (Election) Rules, 1970, is pleased to appoint Shri U. N. Sharma, Financial Commissioner, Himachal Pradesh to perform the functions of Director of Elections (Local Bodies), Himachal Pradesh for the purposes of the said rules.

*Simla-2, the 26th March, 1971*

No. 4-7/70-Elec.—Consequent upon the transfer of Shri D. B. Lal, Judicial Secretary-cum-Legal Remembrancer, Himachal Pradesh, a Judge, High Court of Himachal Pradesh, the Governor, Himachal Pradesh is pleased to appoint Shri U. N. Sharma, Financial Commissioner, Himachal Pradesh to perform the functions of Director of Elections (Local Bodies), Himachal Pradesh for the purposes of the said rules.

Pradesh in exercise of the powers vested in him vide rule 2 (3) of the Himachal Pradesh Zila Parishad (Election) Rules, 1970 is pleased to appoint Shri U. N. Sharma, Financial Commissioner, Himachal Pradesh to perform the functions of Director of Elections (Local Bodies), Himachal Pradesh for the purposes of the said rules.

By order,  
U. N. SHARMA,  
Secretary (Local Bodies)

## LOCAL SELF GOVERNMENT DEPARTMENT NOTIFICATION

*Simla-2, the 25th March, 1971*

No. 1-7-70-LSG.—In exercise of the powers conferred by sections 255 and 273 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968). The Governor, Himachal Pradesh, proposes to make the following draft rules, entitled as "the Leasing out of Stalls Constructed by Municipalities in Himachal Pradesh Rules, 1971" and the same are hereby published in the Official Gazette for the information of persons likely to be affected thereby and notice is hereby given that these draft rules will be taken into consideration after 30 days from the date of their publication in the Gazette.

If any person affected thereby, desires to take any objection, or has any suggestion to make, regarding these draft rules, he can send the same to the Secretary, Local Self Government to the Government of Himachal Pradesh, Simla-2, before the expiry of the above period. The objections or suggestions, if any, so received, will be taken into consideration before making such rules.

### RULES FOR LEASING OUT OF STALLS CONSTRUCTED BY MUNICIPALITIES IN HIMACHAL PRADESH

1 *Short title and commencement.*—(1) These rules may be called the Leasing out of Stalls Constructed by the Municipalities in Himachal Pradesh Rules, 1971.

(2) They shall come into force with immediate effect.

2 *Definitions.*—In these rules, unless the context otherwise requires:—

(a) "Act" means the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968) and the Capital of Himachal Pradesh (Development and Regulation) Act, 1968.

(b) "Stall" means stall or shop constructed by the Municipality.

(c) "Municipality" means a Municipal Committee or Notified Area Committee established by or under the Himachal Pradesh Municipal Act, 1968 or Municipal Corporation established by or under the Capital of Himachal Pradesh (Development and Regulation) Act, 1968 or by or under any other enactment made in this behalf from time to time.

3 *Leasing out of Stalls.*—The stalls constructed by the Municipality shall be leased out by it on the conditions laid down in these rules.

4 *Rent.*—The rent of stalls shall be determined in advance by the

Municipality, taking into consideration the cost and location of the stalls and other relevant factors.

5. *Term of Lease.*—The term of the lease in the first instance shall be for one year; provided that the lessee may renew the lease for another year and so on.

6. *Payment of Rent.*—The lessee shall pay monthly rent in advance by the 10th of the month in which it falls due. He shall pay two months rent as security to the Municipality, which shall be refunded on the expiry of the lease, unless it is forfeited in accordance with the terms of the lease.

It will be sole responsibility of the lessee to deposit the rent in time in the office of the Municipality. In default of payment of rent continued for a period of six months the lessor shall have the right to eject the lessee from the stall in possession of the lessee.

7. *Subletting or transfer of stalls prohibited.*—The lessee shall not assign, sub-let or transfer by lease or otherwise part with the stalls or any part thereof, without the permission in writing of the Municipality.

8. *Payment of rates, cesses and taxes.*—The lessee shall be responsible for the payment of all rates, cesses and taxes levied by the local authorities from time to time, in addition to the rent payable by him.

9. *Priority in the allotment of stalls.*—Priority in the allotment of stalls shall be given by the Municipality to:—

- (i) displaced persons who are already occupying the site where stalls are or have been constructed by erecting their wooden cabin or stalls with the permission of the local authority;
- (ii) displaced persons who or whose dependents have not been able to secure any business premises elsewhere in India; and
- (iii) repatriates from Burma, Ceylon, Mozambique, South Africa and any other country.

10. *Termination of Lease.*—The lease is liable to be terminated immediately by the Municipality on breach of the conditions or terms of the lease. In addition to the termination of lease, the Municipality may also forfeit the security, if the lessee had made repeated default of the covenants on his part.

11. *Proper upkeep of stalls.*—The lessor shall keep the stalls in proper state of repairs.

12. *Alterations/additions prohibited.*—The lessee shall not make any additions or alterations, whatsoever, in the stall and shall be responsible for any damage to the stall.

13. *Settlement of disputes.*—In case of any dispute or any difference arising between the lessor and the lessee regarding ejection, recovery of rent, or in respect of any terms of lease or their interpretation, or any other matter incidental to the terms of the lease, the Deputy Commissioner shall be the sole arbitrator, whose decision shall be final and binding on both the parties.

14. *Determination of lease.*—The lessor shall have the right to determine the lessee before the expiry of the lease period only in case the land under the lease is required for a purpose of public utility. In that case, the lessee shall be entitled to such compensation as may be fixed in this behalf by the Deputy Commissioner and his decision in the matter shall be final.

15. *Repeal and Saving.*—Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Municipalities to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order,  
H. R. MAHAJAN,  
Secretary.